## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NORTH CAROLINA SOUTHERN DIVISION

Criminal No. 7:16-CR-120-11D Civil No. 7:21-CV-215-D

DAVID ELIJAH SMITH,	)	
Petitioner,	)	
<b>v</b> .	)	ORDER
UNITED STATES OF AMERICA,	)	
Respondent.	)	

Having examined petitioner's motion pursuant to Rule 4(b) of the Rules Governing § 2255 Proceedings, the United States Attorney is DIRECTED to file an Answer pursuant to Rule 5, Rules Governing § 2255 Proceedings, or to make such other response as appropriate to the above-captioned § 2255 Motion to Vacate, Set Aside or Correct Sentence, within **forty (40)** days of the filing of this order.

SO ORDERED. This 16 day of December, 2021.

JAMES C. DEVER III

UNITED STATES DISTRICT JUDGE